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Attorney Docket No.: 021378-000110US

TOWNSEND and TOWNSEND and CREW LLP

Washington, D.C. 20231 On September 5, 2002

By: Un Bod

Kimberly Badiei

COPY OF PAPERS ORIGINALLY FILED



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SULLIVAN, Patrick K. et al.

Application No.: 09/662,006

Filed: September 14, 2000

For: PASSIVE PHYSIOLOGICAL MONITORING (P2M) SYSTEM

Examiner:

MALLARI, P.C.

Art Unit:

3736

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37

CFR §1.97 and §1.98

Assistant Commissioner for Patents Washington, D.C. 20231

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SEP 1 3 2002

Sir:

TECHNOLOGY CENTER R3700

The reference cited on attached form PTO/SB/08B is being called to the attention of the Examiner. A copy of the reference is enclosed. It is respectfully requested that the cited reference be expressly considered during the prosecution of this application, and the reference be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed after the mailing date of the first Office Action and more than three months after the filing date, but prior to the Notice of Allowance or Final Office Action.

Please deduct \$180.00, pursuant to 37 CFR §1.17(p), from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

Scott M. Smith Reg. No. 48,268

TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, California 94111-3834 Tel: 650-326-2400

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PA 3211674 v1



AP-3736

0213021378(08-00) Approved for use through 10/31/2002. OMB 0651-0031 Please type a plus sign (+) insid this box U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE der the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. **Application Number** 09/662,006 TRANSMITTAL Filing Date September 14, 2000 **FORM** SULLIVAN, PATRICK K. BANEN **First Named Inventor** (to be used for all correspondence after initial filing) 3736 **Group Art Unit** MALLARI, P. **Examiner Name** Total Number of Pages in This Submission Attorney Docket Number 021378-000110US ENCLOSURES (check all that apply) After Allowance Communication to Assignment Papers Fee Transmittal Form (for an Application) Group Appeal Communication to Board of Fee Attached □ Drawing(s) Appeals and interferences Appeal Communication to Group Amendment / Reply Licensing-related Papers (Appeal Notice, Brief, Reply Brief) Petition After Final Proprietary Information Petition to Convert to a Affidavits/declaration(s) __ Status Letter **Provisional Application** Power of Attorney, Revocation Other Enclosure(s) Change of Correspondence Address Extension of Time Request (please identify below): Terminal Disclaimer Return Postcard Express Abandonment Request Request for Refund Information Disclosure Statement CD, Number of CD(s) The Commissioner is authorized to charge any additional fees to Certified Copy of Priority Remarks Deposit Account 20-1430. Document(s) Response to Missing Parts/ Incomplete Application Response to Missing Parts under 37 CFR 1.52 or 1.53 TECHNOLOGY CENTER H3700 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Townsend and Townsend and Crew LLP Firm Scott M. Smith Reg. No. 48,268 Individual name Signature Date September 5, 2002 **CERTIFICATE OF MAILING** I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 2023 Lon this date: September 5, 2002 Kimberly Badiei Typed or printed name Date September 5, 2002 Signature

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PTO/SB/17 (11-01)

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FEE TRANSMITTAL	Complete if Known					
FEE TRANSMITTAL	Application Number	09/662,006				
for FY 2002 Patent fees are subject to annual revision.	Filing Date	September 14, 2000	RECEIVE			
Patent fees are subject to annual revision.	First Named Inventor	SULLIVAN, PATRICK K	Cro La			
Applicant claims small entity status. See 37 CFR 1.27	Examiner Name	MALLARI, P.	SEP 1 3 2002			
	Group Art Unit	3736	TECHNOLOGY CENTER			
TOTAL AMOUNT OF PAYMENT (\$) 180	Attorney Docket No.	021378-000110US				

METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)						
Check Credit Card MoneyOrder Other None			3. ADDITIONAL FEES						
Deposit Account:			Large	Entity	Small	Entity			
Deposit	<u> </u>	 	ו ו	Fee	Fee	Fee	Fee	Fee Description	Fee
Account	20-1430)		Code	(\$)	Code	(\$)	•	Paid
Number		-		105 127	130 50	205 227	65 25	Surcharge - late filing fee or oath	
Deposit			1					Surcharge - late provisional filing fee or cover sheet.	
Account Townsend and Townsend and Crew LLP		139	130	139	130	Non-English specification			
Name			147	2,520	147	2,520	For filing a request for reexamination		
The Commissioner is authorized to: (check all that apply)			112	920*	112	920°	Requesting publication of SIR prior to Examiner action		
Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) during the pendency of this application			113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action		
Charge fee(s) indicated below, except for the filling fee			115	110	215	55	Extension for reply within first month		
to the above-identified deposit account.			116	400	216	200	Extension for reply within second		
	FEE	CALCULATION	-					month	
1. BASIC FILING FEE			117	920	217	460	Extension for reply within third month		
	all Entity	_		118	1,440	218	720	Extension for reply within fourth month	
Fee Fee Fee		Fee Description		128	1,960	228	980	Extension for reply within fifth month	
Code (\$) Cod	• • •	Fee Paid		119	320	219	160	Notice of Appeal	
101 740 201	370	Utility filing fee		120	320	220	160	Filing a brief in support of an appeal	
106 330 206		Design filing fee		121	280	221	140	Request for oral hearing	
107 510 207 108 740 208	255 370	Plant filing fee Reissue filing fee	\dashv	138	1,510	138	1,510	Petition to institute a public use proceeding	
114 160 214	80	Provisional filing fee		140	110	240	55	Petition to revive - unavoidable	
				141	1,280	241	640	Petition to revive – unintentional	
SUBTOTAL (1) 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE			142	1,280	242	640	Utility issue fee (or reissue)		
			143	460	243	230	Design Issue fee		
			144	620	244	310	Plant issue fee		
	Extr	Fees from ra Claims below Fee Paid		122	130	122	130	Petitions to the Commissioner	
Total Claims	-20** =			123	50	123	50	Petitions related to provisional applications	
Independent Claims	-3** =	 		126	180	126	180	Submission of Information Disclosure Stmt	180
Multiple Dependent	J [_			581	40	581	40	Recording each patent assignment per property (times number of properties)	
Large Entity Sr	mall Entity			146	740	246	370	Filing a submission after final rejection	
Fee Fee Fe	ee Fee ode (\$)	Fee Description		149	740	249	370	(37 CFR § 1.129(a)) For each additional invention to be	
Code (\$) Co	203 9	Claims In excess of 20		143	740		510	examined (37 CFR § 1.129(b))	
102 84	202 42		3	179	740	279	370	Request for Continued Examination	
104 280	204 140	Multiple dependent claim, if not p						(RCE)	
109 84	209 42	** Paissue independent dalms		169 900 169 900 Request for expedited examination of a design application					
110 18	210 9	** Reissue claims in excess of 20 and over original patent)	Other fee (specify)					
•				Speciment by Specia Filing Foo Bold SURTOTAL (2) (\$)180					
**or number previously paid, if greater; For Reissues, see above **Reduced by Basic Filing Fee Paid **SUBTOTAL (3) **Or number previously paid, if greater; For Reissues, see above **Tender Paid **Subtotal (3) **Or number previously paid, if greater; For Reissues, see above **Tender Paid **Tender									

SUBMITTED BY		Complete (if applicable)				
Name (Print/Type)	Scott M. Smith	Registration No. (Attorney/Agent)	48,268	Telephone	650-326-2400	
Signature	Amon	nit		Date	September 5, 2002	

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